

**STATE BOARD OF EDUCATION**  
**ADMINISTRATIVE CODE**  
**COMMENT/RESPONSE FORM**

This comment and response form contains comments from the September 3, 2003 meeting of the State Board of Education and from written testimony.

**Topic:** Professional Licensure and Standards

**Meeting Date:** December 3, 2003

**Code Citation:** N.J.A.C. 6A: 9

**Level:** Adoption Level

**Division:** Division of Educational Programs and Assessment

**Completed by:** Office of Licensure and Credentials, Office of Academic and Professional Standards

**Summary of Public Comments and Agency Responses:**

The following is a summary of the comments received from State Board members and from the public and the department's responses. Each commenter is identified at the end of the comment by a number, which corresponds to the following list:

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| 1. Arnold Hyndman, President<br>State Board of Education   | 8. John Griffith, Member<br>State Board of Education  |
| 2. Debra Casha, Vice President<br>State Board of Education | 9. Thelma Napoleon-Smith, Member<br>State Board of Education                                |
| 3. Margaret Bartlett, Member<br>State Board of Education   | 10. Samuel Podietz, Member<br>State Board of Education                                      |
| 4. Ronald Butcher, Member<br>State Board of Education      | 11. Edward Taylor, Member<br>State Board of Education                                       |
| 5. Maud Dahme, Member<br>State Board of Education          | 12. Roberta Van Anda, Member<br>State Board of Education                                    |
| 6. Kathleen Dietz, Member<br>State Board of Education      | 13. James Murphy, Executive<br>Director, New Jersey Association<br>of School Administrators |
| 7. Anne Dillman, Member<br>State Board of Education        |   |

14. Robert DeSando, Director of Governmental Relations, New Jersey School Boards Association
15. Sharon Ryan, Assist. Professor Rutgers University
16. Blythe Hinitz, Professor The College of New Jersey
17. Arlene Martin, Assoc. Professor Kean University
18. Marcia Schoolmaster
19. Gerald Isaacson, Visiting International Faculty Program
20. Doris Kaplan, President NJ Assoc. of School Social Workers
21. Donna Davis, Chairperson-Credentials, NJ Assoc. of School Social Workers
22. Florence Nelson, Executive Director, NJ Professional Development Center for Early Care and Education
23. Cathie Miller, President Educational Media Assoc. of New Jersey
24. Karen Farrell, Spring Lake, NJ
25. Margaret Martone, Chester, NJ
26. Beth Fetchko, Somerset County School Nurses' Association
27. Nora Johnson, Springfield, NJ
28. Kathrina Semar, Member Association of Learning Consultants
29. Susan Hamel, Member Assoc. of Learning Consultants
30. Susan Hairston, President Summit Board of Education
31. Gail Hilliard-Nelson, Executive Director, NJ Teacher Quality Enhancement Consortium
32. Donald Farish, President Rowan University
33. Carol Sharp, Dean of Education Rowan University
34. Brian McAndrew, Past President NJ Council of County Vocational-Technical Schools
35. Regina Swierc, Chair Joint Council of County Special Services School Districts
36. Gerard Thiers, Executive Director, ASAH
37. Steven Krapes, The Forum School
38. Annette Beckerman, Past President, New Jersey Business/Technology Education Association
39. Isabelle Bombolevicz, Vice Principal, Kearny High School
40. Rita Boyd, Business Education Ocean City High School

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| 41. Kay Della Barca, Supervisor<br>Ocean City High School                         | 55. Thomas Park, Business<br>Education, Ocean City High<br>School                   |
| 42. Carol Drewes, Business<br>Education, Rutherford High<br>School                | 56. Roy Ruys, Business Education<br>Passaic High School                             |
| 43. Janice Hall, Freehold, NJ   | 57. Denise Schierbaum, Business<br>Education, Brick, NJ                             |
| 44. Lisa Krulik-D'Ascoli, School-to<br>Careers Coordinator, Kearny<br>High School | 58. Terri Sharp, Business Education<br>Pemberton Twp High School                    |
| 45. William Lauer, Business<br>Education, Ocean City High<br>School               | 59. Janet Treichel, Executive<br>Director, National Business<br>Education Assoc.    |
| 46. James Lienhard, Lyndhurst, NJ   | 60. Eloise Alessi, Family and<br>Consumer Sciences, Middlesex<br>High School        |
| 47. Rosemarie McCauley, Professor<br>Emeritus, Montclair State<br>University      | 61. Kathleen Babich, Edison, NJ   |
| 48. Craig Mensinger, Business<br>Education, Ocean City<br>High School             | 62. Joan Bernstein, Professor, Life<br>Skills Center, Montclair State<br>University |
| 49. Mark Merlo, Vice President<br>Morgan Stanley                                  | 63. Geraldine Corvo, Middletown,<br>NJ  |
| 50. Christine Morgan, Perkasi, PA   | 64. Patricia DiGioia-Laird, Family<br>and Consumer Sciences, Edison,<br>NJ          |
| 51. Lori Nadolny, Business<br>Education, Hamilton, NJ                             | 65. Candace Dornan, Galloway, NJ  |
| 52. Camile Nickels, Business<br>Education, Ocean City High<br>School              | 66. Elaine Flint, Chair, Ecology<br>Department, Montclair State<br>University       |
| 53. Sharon Norton, Business<br>Education, Ocean City High<br>School               | 67. Theresa Ksiezopolski, Edison,<br>NJ   |
| 54. Barbara O'Donnell, Supervisor<br>Rutherford, NJ                               | 68. Rita Wood, Family and<br>Consumer Sciences, Atco, NJ                            |

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| 69. Nicole Mas, National Vice President, Star Events, Family, Career and Community Leaders of America | 83. Carol Stegmann, Union High School  |
| 70. Janet Mazziolli, Family and Consumer Sciences, Lincoln Middle School                              | 84. Edward Morrell, Kearny High School   |
| 71. Carolyn Reynolds, Executive Director, NJ Association of Family and Consumer Sciences              | 85. Saul Cooperman, Bernardsville, NJ  |
| 72. A. Judith Marcus, Union High School   | 86. Leo Klagholz, Forked River, NJ   |
| 73. Colletta Licardi, Union High School   | 87. Frank Napolitano, Union High School  |
| 74. Andrea Korb, Union High School  | 88. Sandy Lawson, Union High School  |
| 75. Dan Ferguson, Kearny High School  | 89. Katie Snyder, Union High School  |
| 76. Katherine Gaspar, Ramapo High School  | 90. Akua Antui, Union High School  |
| 77. Robin Crossley, Ramapo High School  | 91. Patricia Philips, Moorestown Public Schools  |
| 78. Linda Lee Crossley, North Beach, NJ   | 92. Kevin Pryblick, Kearny High School   |
| 79. Margaret Marandola, Carney's Point, NJ  | 93. John A. Mulhern, Director of Teacher Education, Ramapo College of New Jersey           |
| 80. Barbie Schulien, NJEA Member  | 94. Margaret Lawlor, Associate Director, Government Relations, New Jersey Education Assoc. |
| 81. Patricia Phillips, Supervisor, Moorestown Twp Public Schools                                      | 95. Jackie Mann, Union high School   |
| 82. Anell L. Simcoe, President NJ Association of Colleges for Teacher Education                       | 96. Phil Bartone, Union High School  |
|   | 97. Susan Barsnica, Union High School  |
|   | 98. Katherine Acocella, Tenafly Public Schools   |

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| 99.  | Carol Barkhorn, Bernardsville, NJ                         | 114. | Christine Carroll, East Brunswick Public Schools                                |
| 100. | Nancy Shimmel, Ramapo High School                         | 115. | Nina Keats, East Brunswick Public Schools                                       |
| 101. | Theresa Settembrino Oceanport, NJ                         | 116. | Joan Klass, East Brunswick Public Schools                                       |
| 102. | Gail McLaughlin, Manasquan, NJ                            | 117. | Karen Toht, East Brunswick Public Schools                                       |
| 103. | Colletta Liccardi, Union High School                      | 118. | Leah Kinnear, East Brunswick Public Schools                                     |
| 104. | Patricia Killeen, Ramapo High School                      | 119. | Jill Broschious, Harmony Twp Public Schools                                     |
| 105. | Linda Kastner, Clearview High School                      | 120. | Edna Bertholf, Hackensack, NJ   |
| 106. | Elaine Higgins, Clearview High School                     | 121. | Cynthia Rice, Association for Children of New Jersey                            |
| 107. | Rosemarie McCauley, Convent Station, NJ                   | 122. | Carrie Ann Betteridge, Mantua, NJ   |
| 108. | Susan Rogers, Member, Association of Learning Consultants | 123. | Danielle Tooker, Roxbury High School  |
| 109. | Natalie Lyons, Warren Twp Public Schools                  | 124. | Lydia Singura, Carteret, NJ   |
| 110. | Katheen Ann Jones, Union City, NJ                         | 125. | Shari Lepore, Westfield, NJ   |
| 111. | Linda Seligman, East Brunswick Public Schools             | 126. | Marilyn Lauria, Dean, School of Nursing and Health Studies, Monmouth University |
| 112. | Linda Elko, Manalapan, NJ                                 | 127. | Sarah McHenry, Associate Professor, Rowan University                            |
| 113. | Charlene Delaney, East Brunswick Public Schools           | 128. | Maryann Mennona, Monroe Twp., NJ  |
|      |   | 129. | Sue Stern, Kendall Park, NJ   |

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| 130. Nancy Coppola, Middlesex County School Nurses Association Liaison             | 137. Roseann Troullos, Basking Ridge, NJ                                      |
| 131. Jean Boyle, Fair Lawn Public Schools  | 138. Lorraine De Noyelles, Fords, NJ  |
| 132. Patricia Bombolevicz, Hawthorne, NJ   | 139. Jeanne Kiefner, Cherry Hill, NJ  |
| 133. Michele E. Casey, Howell, NJ  | 140. Mary Ann Stanek, President, NJ Business/Technology Education Association |
| 134. Laura Jannone, Coordinator of the School Nursing Program, Monmouth University | 141. Patricia Kiernan, Business Department Chair, Haddon Heights High School  |
| 135. Cynthia Weiler, Monroe Twp., NJ   | 142. Sharon Fallon, Famingdale, NJ  |
| 136. Carol Kushner-Cohen, Readington Twp. Public Schools                           | 143. Debra King, Freehold, NJ   |
|  | 144. Patricia Reineke, Specialist Professor, Monmouth University              |

1. **Comment:** After engaging in a discussion of the pros and cons of limiting the number of credits for professional preparation programs, the State Board of Education voted to amend the proposed new rules at N.J.A.C. 6A:9-10.2(a)4 to limit professional preparation to a maximum of 30 credit hours. **(1 – 12)**

**Response:** The department agrees with the State Board. Prior to submission to OAL for publication of the notice of proposal in the *New Jersey Register*, the proposed new language at N.J.A.C. 6A:9-10.2(a)4 was changed to read:

[A range of 24 to 36] No more than 30 semester hour credits of instruction devoted to professional preparation.

2. **Comment:** The commenter asked for clarification of the requirements for the Elementary school with subject matter specialization in social studies and language and literacy. The proposed language at N.J.A.C. 6A:9-11.11(a)4iii seems to indicate that for this specific specialization a candidate would have to complete 15 credits in social studies, 15 credits in language and 15 credits in literacy. The commenter questioned if that was the intent. **(1)**

**Response:** The department acknowledged that the language at N.J.A.C. 6A:9-11.11(a)4iii is confusing. The intent was to require 15 credits in social studies and 15 credits in language arts/literacy. For purposes of clarification, prior to submission to OAL for publication of the notice of proposal in the *New Jersey Register*, the proposed new language was changed to read:

[ii]iii. Thirty semester-hour credits in the subject fields of social studies and language arts/ [and] literacy, with a minimum of 15 semester hour credits in each subject field;

3. **Comment:** The commenter asked for an explanation of the changes in the proposed new rules regarding emergency certification. (6)

**Response:** Emergency certificates will only be issued for endorsements under the educational services certificate at N.J.A.C. 6A:9-6.3. Emergency certification will only be available for specific educational services endorsements based on the areas of shortage. Conditions have been established under which emergency certificates can be issued at N.J.A.C. 6A:9-6.3. A candidate would be required to meet specified requirements before an emergency certificate would be issued. The certificate could be renewed a maximum of two times. The candidate would be required to show progress toward completion of certification requirements before a certificate can be renewed.

No emergency instructional certificates will be issued with the adoption of this code. Under the current rules, emergency certificates are issued in special education, bilingual/bicultural education and English as a second language. The proposed new rules establish alternate routes for these endorsements. This will eliminate the need for emergency certification.

No emergency certificates will be permitted for school nurses as holders of this endorsement are authorized to teach health. However, to meet the needs of districts, emergency certification will be available for the school nurse/non instructional endorsement.

4. **Comment:** The commenter asked for clarification of comment no. 38 in the Comment and Response form dated September 3, 2003. The commenter wanted assurance that the proposed new rules would continue to allow candidates with master's degrees in management to be eligible for administrative certificates. (12)

**Response:** The department assures the commenter that the proposed new rules at N.J.A.C. 6A:9-12.4(a)1 would continue to allow candidates with master's degrees in management to be eligible for administrative certificates.

5. **Comment:** The commenter was concerned that the definition of adult literacy was removed from the proposed new rules at N.J.A.C. 6A:9-2. (2)

**Response:** The department removed the definition because the “teacher of adult literacy” endorsement has been deleted from the proposed new rules. The adult literacy endorsement was to have been a new endorsement that would provide a staffing option for adult literacy programs. At the request of the State Council for Adult Literacy, the department deleted this endorsement until the council has sufficient time to study the implications of the proposal and to make recommendations to the State Board. In addition, the department is in the process of transferring authority for many adult education programs to the Department of Labor (DOL). Time is needed to study the impact of this transfer of oversight before certification requirements are decided by the DOL in consultation with the department.

6. **Comment:** The commenter questioned why the definition of vocational-technical education at N.J.A.C. 6A:9-2 in the proposed new rules differs from the definition in the administrative code governing vocational-technical education. The commenter believes that all sections of the New Jersey Administrative Code should be consistent. (2)

**Response:** The department has used the definition of vocational-technical education that was recommended by the Office of Vocational-Technical, Career and Adult Programs. It was suggested that an abbreviated definition be used because the licensing code does not need the same level of detail required in N.J.A.C. 6A:19, Vocational-Technical Education Programs and Standards. The proposed definition is identical to the first two sentences found in N.J.A.C. 6A:19-1.2. Below is the language found at each code citation in the definitions subchapters:

N.J.A.C. 6A:9-2.1: “Vocational-technical education” means an organized educational program that offers a sequence of courses that provides individuals with the academic and technical knowledge and skills that individuals need to prepare for further education and for careers in current or emerging employment sectors.”

N.J.A.C. 6A:19-1.2: "Vocational-technical education" means an organized educational program that offers a sequence of courses that provides individuals with the academic and technical knowledge and skills the individuals need to prepare for further education and for careers in current or emerging employment sectors. It includes competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills of individuals. Its main purposes are to:

1. Provide individuals with the skills they need to attain economic freedom; and
2. Enhance the productivity of national, state, and local economies.



7. **Comment:** The commenter asked if the department anticipated the transfer of adult literacy programs to the Department of Labor prior to the adoption of the proposed new rules. (1)

**Response:** Discussions are continuing between the Departments of Labor and Education, and it is anticipated that the transfer will be accomplished before the end of December, 2003.

8. **Comment:** The commenter expressed concern about allowing provisionally certified teachers to be employed under provisional certification for five years and its impact on tenure and seniority. The commenter would like to receive an Attorney General's opinion. (2)

**Response:** The department will request an Attorney General's opinion.

9. **Comment:** The commenter expressed her concern about the proposed subdivision of the elementary school endorsement into three distinct endorsements: Preschool through Grade 3; kindergarten through grade five; and grades five through eight. This creates an unnecessary hardship on districts that will have considerably less flexibility in assigning staff members. In addition, preservice teachers will be forced to make decisions about grade level preferences with little experience to support the choice. (12)

**Response:** While the department understands the commenter's concerns, it believes the subdivisions are necessary. The Preschool through Grade 3 endorsement at N.J.A.C. 6A:9-9.2(b)4 was developed in response to a State Supreme Court decision in *Abbott v. Burke*.

The elementary school with subject matter specialization endorsement at N.J.A.C. 6A:9-9.2(b)3 was developed in response to the Core Curriculum Content Standards and the No Child Left Behind Act. The standards require increasingly deeper subject matter expertise in the content areas as students move through the grade levels. The average elementary school teacher does not have the depth or breadth of subject knowledge in all the content areas needed to be effective at the middle school level.

The No Child Left Behind Act compels states to assure that all teachers meet the federal definition of a highly qualified teacher in order to continue to receive federal funding. Most teachers holding the grades kindergarten through five elementary school endorsement at N.J.A.C. 6A:9-9.2(b)2 would not meet the highly qualified definition to teach content standards at the middle school level. If the department did not develop the elementary school with subject matter specialization endorsement, only subject area teachers would be able to teach content in the middle grades. This would create significant shortage of certified teachers in New Jersey.

10. **Comment:** The commenter asked if this is the first time the public can comment on the proposed new rules. (7)

**Response:** When the proposed new rules were published in the New Jersey Register on October 6, 2003, it was the first time the code was available to the public for comment at the proposal level. However, the public has had previous access to the first discussion level, second discussion level and third discussion level versions of the proposed new rules, and there have been approximately 450 comments on the proposed new rules to which the department has responded.

11. **Comment:** The commenter urged the State Board to maintain the current 60-credit hour requirement for County Substitute credentials at N.J.A.C. 6A:9-6.5(b). (13)

**Response:** The department agrees and will retain the current 60-credit requirement.

12. **Comment:** The commenter applauds the elimination of the 90-credit hour requirement for substitute school nurses. (13)

**Response:** The department appreciates the commenter's support. The proposed new rules at N.J.A.C. 6A:9-6.5(i) only require that a county substitute school nurse credential be issued to the holder of a valid New Jersey registered professional nurse license.

13. **Comment:** The commenter suggested retaining the current certification system which uses certificates and endorsements and reviewing the proposed new rules for consistent use of those terms. (13)

**Response:** The department agrees, and the comment was based upon the pre-proposed new rules which were revised in accordance with the comment in the proposed new rules.

14. **Comment:** The commenter urged the State Board to revise the code governing seniority to comport with the changes in the teacher certification code. (13)

**Response:** Although those changes are outside the scope of what is being proposed in the teacher certification code, the commenter's suggestion will be forwarded to the appropriate division through this comment and response form.

15. **Comment:** The commenter suggested that the State Board of Examiners revise its current practices that caused the initial reconsideration of the concept of endorsements. (14)

**Response:** The State Board of Examiners will continue to issue endorsements, which is in conformity with the requirements of the code.

- 16. Comment:** The commenter suggested the use of a more descriptive term for the former Division of Teacher Preparation and Certification. **(14)**

**Response:** The department is using a generic term “Office” as defined at N.J.A.C. 6A:9-2.1 to avoid having to amend the rules every time there is an organizational change.

- 17. Comment:** The commenter questioned the use of the term “vocational-technical education” rather than “vocational education.” **(14)**

**Response:** The term “vocational-technical education” is defined at N.J.A.C. 6A:19-1.2, which describes vocational-technical programs and standards.

- 18. Comment:** The commenter urged the State Board to consider implementing a system of renewable certificates in the proposed new rules. **(14)**

**Response:** The State Board is not considering implementation of renewable certificates at this time. The proposed new rules have already made extensive changes in the requirements for certification, and the department believes that any additional fundamental changes would be counterproductive without appropriate planning and research. Also, the Office of Licensure and Credentials is in the midst of a major technology initiative designed to improve the certification delivery system. The proposal offered by the commenter would radically alter the entire structure of the new certification delivery system before completion of the project.

- 19. Comment:** The commenter suggested that the requirements in N.J.A.C. 6A:9-5.1(b) and 5.2(b) are duplicative. **(14)**

**Response:** The two proposed new rules are not duplicative because N.J.A.C. 6A:9-5.2(b) requires the chief school administrator to determine that each teaching staff member has an appropriate educational certificate while N.J.A.C. 6A:9-5.1(b) also requires a certificate holder to obtain any license, certificate or authorization that may be mandated by State or Federal law. For example, in addition to holding an educational services certificate, a physical therapist would have to hold a New Jersey-issued license as a physical therapist.

- 20. Comment:** The commenter suggested that the State Board should reconsider the 20-day restriction of the use of substitute teachers in the classroom at N.J.A.C. 6A:9-6.5(b). **(14)**

**Response:** The department believes that because substitute teachers may not be qualified, nor fully certified, they should not be teaching in one classroom for

longer than 20 days. In addition, under the No Child Left Behind Act definition, these substitutes are not “highly qualified teachers.” Moreover, holders of a CE or CEAS may serve in a single position for up to 60 days, thereby giving a district more flexibility.

21. **Comment:** The commenter urged the department to incorporate the No Child Left Behind standards for paraprofessionals in the proposed new rules. (14)

**Response:** The department disagrees because no certificate is issued to paraprofessionals. Subchapter 7 merely establishes the State’s approval procedure for creating paraprofessional positions in local districts. Meeting the highly qualified paraprofessional requirements under the federal NCLB is the responsibility of the paraprofessional and the employing district. The department has avoided incorporating NCLB requirements so that a change in federal legislation will not render the proposed new rules obsolete.

22. **Comment:** The commenter suggested that the proposed new rules incorporate procedures for filing petitions, applications and any other documents necessary to State Board of Examiners’ proceedings. (14)

**Response:** The department believes that all necessary legal procedures are delineated in the proposed new rules as written in subchapter 17.

23. **Comment:** The commenter believes that the amended provision to codify an explicit appeal process in accordance with N.J.A.C. 6A:4-1.1 is a welcome provision. (14)

**Response:** The department agrees on the need to codify the appeal process. The proposed rule at N.J.A.C. 6A:9-17.23 requires that all cases that involve revocation or suspension be appealed to the State Board of Education pursuant to N.J.A.C. 6A:4. All other certification matters will be appealed to the Commissioner pursuant to N.J.A.C. 6A:3.

24. **Comment:** The commenter requested that the department change the language in N.J.A.C. 6A:9-8.4(g)5 to clearly assert that the implementation of the mentoring requirement is an educational policy decision which should be determined by the local board of education, after consultation with the local association. (14)

**Response:** The department has changed the preproposal text that was published in the March 3, 2003 *New Jersey Register* at 35 N.J.R. 1211(a), and in that revision the proposed N.J.A.C. 6A:9-8.4(g)5 has been deleted from the Pre-proposal code language. The department has determined that the deletion of any reference to collective bargaining in the proposed rules governing the mentoring implementation is a sufficient means by which to demonstrate that the department is not responsible for such district decisions.

25. **Comment:** The commenter requested clarification as to the impact of implementation of the mentoring requirements by nonpublic schools pursuant to the proposed rules in N.J.A.C. 6A:9-8.5. More specifically, the commenter asked if the nonpublic schools would pay for participation or if such participation would reduce the state's resources for public school teachers. (14)

**Response:** The department does not foresee any negative impact on nonpublic schools. Any available State funds for mentoring will be allocated only to public schools pursuant to N.J.A.C. 6A:9-8.4(e). Nonpublic schools are not eligible for State mentoring funds. Nonpublic schools may participate in providing mentoring to their novice teachers; however, the novice teacher is responsible for payment of mentoring fees.

26. **Comment:** The commenters expressed concern that the proposed new rules at N.J.A.C. 6A:9-10.2(a)4 would limit the number of hours for professional education preparation to no more than 30 credits. They stated that teacher candidates need a strong grounding in pedagogy as well as the academic content they will teach. (15, 16, 17, 18, 22)

**Response:** The department does not agree that the 30 credit limit on professional education preparation coursework prevents New Jersey colleges and universities from developing appropriate programs for New Jersey teachers. In fact, the colleges have been doing this since the early 1980's. The department believes that the novice teacher must have as much preparation as possible in the academic content major. Limiting professional education assures that a candidate has the maximum number of undergraduate credits devoted to academic content preparation.

27. **Comment:** The commenter expressed concern that the Discussion level code at N.J.A.C. 6A:9-10.2(a)4 reads "approximately 30 semester hours" for the professional preparation of teachers. The commenter said that the language needs to be more specific. (14)

**Response:** The department agrees with the commenter. The State Board has changed the language in the proposal level new rules at N.J.A.C. 6A:9-10.2(a)4 to state that the professional preparation of teacher candidates should be "no more than 30 semester hour credits," providing more specificity of language.

28. **Comment:** The commenter noted that the required professional development for active teachers at proposed N.J.A.C. 6A:9-15.2 appear to mandate budgetary allocations at the local level. (14)

**Response:** The proposed new rules at N.J.A.C. 6A:9-15.2 specify that it is the individual teacher's responsibility, in accordance with school district policies, to assure that a teacher meets the professional development requirement. There is no mandated financial obligation on the part of the district. (14)

- 29. Comment:** The commenter stated that the professional development plan process of the district professional development committee specified in the proposed N.J.A.C. 6A:9-15.3(e) and (f) excludes the local board of education from the planning process. **(14)**

**Response:** The proposed new rules specify that the district professional development committee needs to seek input from the education community at large. It does not preclude the local board of education from participating in the planning process. The local board may provide input to the district committee. In addition, the local board has final approval of the professional development plan as specified in the proposed N.J.A.C. 6A:9-15.3(f).

- 30. Comment:** The commenter stated that there should be two school board members on the State Advisory Committee on Professional Development for School Leaders at N.J.A.C. 6A:9-16.2(b). **(14)**

**Response:** The department disagrees. The proposed State Advisory Committee on Professional Development for School Leaders includes one local school board member as specified at N.J.A.C. 6A:9-16.2(b). The composition of the advisory committee includes a larger percentage of school leaders, three chief school administrators, because school leaders are the individuals directly affected by the proposed new rules. The requirement stresses the key role of school leaders in the oversight and implementation of their own professional growth.

- 31. Comment:** The commenter stated that the professional growth plan required of the chief school administrator at N.J.A.C. 6A:9-16.3 does not allow for the involvement of the school board in the review of the professional development plan. **(14)**

**Response:** The intent of the proposed individual professional development plan for the chief school administrator is to stress peer collaboration, support and learning that is not evaluative in nature. It does not replace the evaluative role of the school board in the job performance of chief school administrators.

- 32. Comment:** The commenter recommended that the department decrease the amount of time it takes for teacher candidates to be certified once they have finished the preparation program. In addition, the commenter recommended that the certificate of eligibility be combined with the provisional certificate and that higher education institutions be involved in the certification process as a way to reduce the time taken to certify new teachers. **(13)**

**Response:** The department is instituting new technology-based processes that will improve the efficiency and timeliness of the evaluation and issuance of certificates for both alternate route and traditionally prepared candidates. Higher

education institutions are also partnering with the department to expedite the issuance of certificates through technology.

New Jersey's certification system is three-tiered. A candidate's eligibility to seek and accept offers of employment is established with the issuance of a certificate of eligibility. Once employed, a provisional license is issued for the time in which a candidate serves as a novice teacher under the supervision of district-based professionals. Upon successfully completing the provisional year, and upon being recommended, a teacher is issued the standard certificate in the subject field of eligibility. Each tier of certification is clearly defined and cannot be combined. The proposed rules, however, as specified in N.J.A.C. 6A:9-5.4(b)1, have provided an additional means by which to reduce the time required for the issuance of licenses under New Jersey's three-tiered certification system. A one-time fee of \$150 will be charged for the issuance of the certificate of eligibility, the provisional certificate and the final standard certificate. The department will continue to examine ways to further improve the efficiency of its certification process while assuring its integrity.

- 33. Comment:** The commenter stated that the test requirement for teachers from other countries who apply for the Limited Certificate for Foreign Teachers pursuant to N.J.A.C. 6A:9-6.6 is unnecessary because the agency that hires these teachers selects only highly qualified teachers. If the department maintains the test requirement, then the teachers should be given more time to complete the test requirement than the six months now proposed in the proposed new rules. That would accord the visiting teachers sufficient time to adapt to this country before taking the test. **(19)**

**Response:** The department disagrees that the test requirement is unnecessary. It is inequitable to keep prospective teachers from New Jersey out of the classroom because they have not completed the test requirement while permitting foreign teachers to teach without completing the required test. The proposed new rules afford foreign teachers a period of six months after employment to complete the test, which gives them adequate time for adaptation before taking the test.

- 34. Comment:** The commenter noted that the language at N.J.A.C. 6A:9-13.5(d)3, which references approved school social worker master's program should be changed to "approved social work master's program" (MSW) because there are no master's programs in school social work. **(20, 21)**

**Response:** The department agrees that the language needs to be changed. Currently, there are graduate programs approved by the department that prepare school social workers, but the programs are not master's degree programs in school social work. The language will be corrected in future amendments to these proposed new rules.

- 35. Comment:** The commenter stated that 30 credits for Preschool through Grade 3 teacher preparation programs are not sufficient to prepare adequately an early childhood educator. This should be expanded to a 36 credit ceiling. **(17, 22)**

**Response:** The department does not agree that the 30 credit limit on professional preparation coursework at N.J.A.C. 6A:9-10.2(a)4 prevents New Jersey colleges and universities from developing appropriate programs for New Jersey teachers. In fact, the colleges have been doing since the early 1980's. The department believes that the novice teacher must have as much preparation as possible in the academic content major. This is important for all teachers, including Preschool through Grade 3. Limiting professional education assures that a candidate has the maximum number of undergraduate credits devoted to academic content preparation.

- 36. Comment:** The commenter recommended that a test of specialist knowledge be applied to Preschool through Grade 3 teachers. **(17, 121)**

**Response:** The department agrees that a test of content knowledge is necessary for the Preschool through Grade 3 teacher and this requirement is included in the proposed new rules at N.J.A.C. 6A:9-11.1(a)4. The department is working closely with Educational Testing Service (ETS) in the development of an appropriate test for this population

- 37. Comment:** The commenter stated that the Educational Media Association of New Jersey supports the changes in the school library media requirements at N.J.A.C. 6A:9-13.14. However, the commenter expressed disappointment that a mentoring requirement for all new school library media specialists has not been included in the proposed new rules. **(23)**

**Response:** The department appreciates the commenter's support for the code changes. The department is aware of the commenter's concern about the lack of a formal mentoring requirement. However, the department encourages and will assist the commenter to network with school districts to develop an informal mentoring program for districts to access.

- 38. Comment:** The commenter stated that the addition of the School Nurse/Non Instructional endorsement at N.J.A.C. 6A:9-13.4 creates a two-tier system of credentialing that will water down the effectiveness of school health services and put students at a disadvantage. **(24 - 27, 138 – 139, 142 - 144)**

**Response:** The department disagrees with the commenter's statement. The proposed new rules for the School Nurse/Non Instructional endorsement are rigorous. They properly prepare the school nurse to function in the school nurse office. This allows a district to hire an appropriately certified school nurse when that district does not need the nurse to be assigned as a Teacher of Health. This



adds flexibility in hiring and will expand the candidate pool from which the district can choose.

- 39. Comment:** The commenter recommended that the State Board of Education place the adoption of the proposed new rules on hold because the board needs to reconsider inclusion of the School Nurse/Non Instructional endorsement at N.J.A.C. 6A:9-13.4. Candidates serving under this new endorsement will place the care and safety of New Jersey students at risk because the candidates will not be appropriately prepared. **(26, 27, 111 – 120, 125-127)**

**Response:** The department disagrees with the commenter's recommendation. The School Nurse/Non Instructional endorsement requires extensive preparation in the knowledge and skills needed by the school nurse. The only preparation that is not required is the preparation necessary to teach the health curriculum as the sole teacher assigned.

- 40. Comment:** The commenter noted that the current rules at N.J.A.C. 6:11-4.3 permit emergency certification for learning disabilities teacher-consultants with little or no preparation. Although the proposed new rules at N.J.A.C. 6A:9-13.10(d) restricts emergency certification to those candidates that have met certain requirements, the commenter is concerned about the serious risks for error posed by those people currently working under emergency certification. **(28, 29, 108 - 110)**

**Response:** The department appreciates and agrees with the commenter's concern. This concern resulted in the new, proposed requirements for emergency certification listed in N.J.A.C. 6A:9-13.10(d). The department believes that the new rules governing the issuance of emergency learning disabilities teacher-consultant endorsements is a significant improvement over the current rules. The new rules balance the need for essential preparation with the district need to staff the schools.

Under current rules, those candidates currently employed under learning disabilities teacher-consultant emergency certification are required to complete at least six semester hours credit each year toward completion of certification requirements. Without this study, emergency certificates are not renewed by the county superintendent. The department does not believe that districts will employ individuals under emergency certification who pose a serious risk to students.

- 41. Comment:** The commenter approved the elimination of the teaching certificate and classroom teaching experience for the school counselor endorsement that are in the current rules at N.J.A.C. 6:11-11.11(b)1 and 2. The proposed new rules at N.J.A.C. 6A:9-13.8(b) will allow districts to employ qualified candidates that were precluded by the current rules. **(30)**

**Response:** The department appreciates the commenter's support.

42. **Comment:** The commenter stated that the adoption of separate chemistry and physics endorsements and increasing the requirements for the physical science endorsement will increase the difficulty of districts to fill science positions. (30)

**Response:** The proposed addition of separate chemistry and physics endorsements at N.J.A.C. 6A:9-9.2(a)5ii and 5v will enable more candidates with in-depth preparation in the specific discipline to enter the teaching field in these science subjects. The proposed new rules at N.J.A.C. 6A:9-11.9 assure that the physical science certified teacher has sufficient preparation in both disciplines to assist students in achieving the Core Curriculum Content Standards.

43. **Comment:** The commenter requested that certification procedures be revised and adequate staffing levels in both the county offices of education and in the Office of Licensure and Credentials be maintained to assist districts in hiring certified teachers. (30)

**Response:** The department has included changes in the proposed new rules to streamline the certification process. N.J.A.C. 6A:9-5.4 changes the fee schedule to reduce the number of fee transactions required for certification. N.J.A.C. 6A:9-6.2 increases the provisional certificate from one year to two years to reduce the requirement for renewal for most provisional teachers. Finally, unrelated to the proposed new rules, the department has been developing a computerized certification system that will also reduce the time required to process certificates and allow districts and certification candidates access to an on-line program for tracking the status of certification applications. As a result, the department believes that staffing levels will be adequate.

44. **Comment:** The commenter expressed the group's "unequivocal support" for the standards for teachers at N.J.A.C. 6A:9-3.3 and the alignment of professional education programs with these standards and those of national accreditation bodies at N.J.A.C. 6A:9-10.1. The commenter also supports the mentoring requirements for all new teachers that are established at N.J.A.C. 6A:8-4, although the group would prefer two years of mentoring for novice teachers.

The commenter strongly supported the language in the discussion level proposed new rules at N.J.A.C. 6A:9-10.2 that allowed teacher preparation programs that included a range of 24 to 36 credits in professional education study. The commenter expressed disappointment that the State Board has reversed its decision to set a maximum number of credits at 30 credits. This decision appears to reflect the board's concern that New Jersey colleges and universities are not capable of determining how to achieve the goal of preparing the best possible teachers. While the commenter does not want to delay the adoption of the proposed new rules, the commenter requested that the board address the issue of credit flexibility as soon as possible once the new code is implemented. (31, 32, 33, 121)

**Response:** The department appreciates the commenter's support of the referenced code language. The limitation of the number of credits permitted in the college professional preparation sequence was not an attempt to impugn the integrity of the State's colleges and universities. The goal of the proposed rules is to provide a maximum number of credits in the content area and in liberal arts preparation. The department believes that the novice teacher must have as much content preparation as possible. Limiting professional education assures that a candidate has the maximum number of undergraduate credits devoted to content and liberal arts preparation.

45. **Comment:** The commenter expressed concern about the elementary school with subject matter specialization at the proposed N.J.A.C. 6A:9-11.11. The commenter recommended that time be allowed for implementation of the elementary endorsement changes so that colleges can make necessary changes in the programs and students will have time to complete the revised programs. (13)

**Response:** The department acknowledges the commenter's concerns. The proposed new rules at N.J.A.C. 6A:9-10.1(k) allow a phase-in period for program revision. New programs will not be required until September 2005. N.J.A.C. 6A:9-10.1(l) permits candidates matriculating into approved programs through spring 2005 to complete the existing programs. It is in September 2005 that new candidates matriculating will be required to complete the new programs.

46. **Comment:** The commenter requested that current elementary school teachers have complete grandfathering so that they can continue to teach in grades kindergarten through eight. (13)

**Response:** The department agrees with the commenter. N.J.A.C. 6A:9-9.1(a)3 includes a grandfathering provision as follows:

Teachers with elementary school endorsements issued prior to (the effective date of this chapter) may continue to teach in grades nursery through eight in any employing district. These teachers must demonstrate to the district that they have content knowledge appropriate to the subject(s) taught.

47. **Comment:** The commenter expressed concern that the proposed new rules at N.J.A.C. 6A:9-11.3(b)1 require special education teachers also to hold an instructional endorsement in the subject field or grade level identified in the student's IEP. The commenter anticipates difficulty filling positions. The commenter suggested grandfathering of current special education teachers and an allowance for college programs to revise programs so that current students can complete existing programs. (13)

**Response:** The department agrees with both recommendations. N.J.A.C. 6A:9-9.1(a)4 provides a grandfathering provision as follows:

Teachers with special education endorsements issued prior to (the effective date of this chapter) may continue to teach students with disabilities in grades preschool through grade 12 if they can demonstrate to the district content knowledge appropriate to the content and the content level to be taught.

The proposed new rules at N.J.A.C. 6A:9-10.1(k) also allow a phase-in period for program revision. New programs will not be required until September 2005. N.J.A.C. 6A:9-10.1(l) permits candidates matriculating into approved programs through spring 2005 to complete the existing programs. It is in September 2005 that new candidates matriculating will be required to complete the new programs.

48. **Comment:** The commenter expressed concern that the elimination of emergency certification for special education, English as a second language and bilingual/bicultural teachers will cause problems in filling vacancies. The commenter recommended that the department proceed slowly with this action. (13)

**Response:** The department understands the commenter's concern. The department is confident that the availability of an alternate route in these teaching fields will provide a suitable pool of candidate's for these positions; however, continuous review of special education remains a priority.

49. **Comment:** The commenter expressed concern that the development of single science endorsements in chemistry and physics at N.J.A.C. 6A:9-9.2(a)5ii and v will limit districts in assigning these teachers to a full schedule. (13)

**Response:** The department agrees that this will limit the district's ability to schedule these teachers for more than one science. However, it has been the experience in the Office of Licensure and Credentials that many candidates for the Provisional Teacher Program – Alternate Route are not eligible for the physical science endorsement because they lack preparation in both subjects. Rather they have specialized in only one subject, often extensively. The department believes that colleges will continue to prepare physical science teachers eligible in both sciences, but that the proposed new rules will permit a pool of candidates in chemistry and in physics to fill vacancies while the candidate takes the additional study required for the physical science endorsement.

50. **Comment:** The commenter requested that language be included in the proposed new rules at N.J.A.C. 6A:9-9.2(a)1i, 1iii, and 8i to indicate that these endorsements may not be used in approved vocational programs. (34)

**Response:** The department agrees and will propose appropriate amendments to these new rules in the future.

- 51. Comment:** The commenter expressed concern about the inclusion of the structured learning experience/career orientation coordinator endorsement in the proposed new rules at N.J.A.C. 6A:9-13.21 and recommends that it be deleted from the new rules. **(34)**

**Response:** The department does not agree that the structured learning experience/career orientation coordinator endorsement should be removed from the new rules. The development of this coordinator endorsement resulted from a request by the Office of Special Education because the Standards and Assessment Code at N.J.A.C. 6:8 requires that students participating in paid external structured learning experiences must be supervised by school personnel in accordance with the requirements for cooperative education at N.J.A.C. 6:43. However, cooperative education programs are limited to addressing the needs of students in the final phase of career development. Cooperative education programs do not address the needs of students in the beginning phases of career awareness and career exploration. The Office of Special Education advised that the new certification code needed to include an endorsement that would allow staff to supervise students who are beginning to look at possible careers. Many employers are unwilling to participate in school-sponsored career exploration programs unless the student can be paid according to the Department of Labor's Wage and Hour laws.

Further, the department convened a series of focus group meetings to explore the development of an appropriate endorsement as well as other vocational-technical issues that needed consideration in the licensing code. The commenter was represented in these meetings. The language included in the new rules was written with the assistance of focus group members and circulated to all members of the focus group.

- 52. Comment:** The commenter stated that the new rules at N.J.A.C. 6A:9-11.3(b)1 that require the special education teacher to hold an appropriate instructional certificate in addition to the required special education certificate will extend the time that it takes to complete a special education program. Many candidates who might be interested in special education will be dissuaded by the additional training. The requirement that a teacher be highly qualified in the subject and grade level being taught should not apply to special education teachers teaching in self-contained classes. The commenter asked that this requirement be held in abeyance until the Individuals with Disabilities Act (IDEA) is reauthorized and more specifics are available about the effect of the No Child Left Behind Act (NCLB) on special education teachers. **(35, 36, 37)**

**Response:** The department understands the commenter's concerns. However, the primary request from special education focus groups, particularly from parents, is that special education teachers have content preparation. While a special education teacher can be very skilled in providing instruction to classified

students, he or she cannot teach what he or she does not know. For current special education teachers this can be accomplished for purposes of NCLB through the New Jersey High Objective Uniform State Evaluation (HOUSE) standard. Under NCLB each state is required to develop a HOUSE standard to provide teachers with an alternative means of demonstrating their content knowledge for the core academic subjects they teach. The New Jersey model for identifying highly qualified teachers is available from the department's Office of Academic and Professional Standards or on the department's website at <http://www.state.nj.us/njded/profdev/hqt/>. For special education teachers entering the profession in the future, the candidate will be required to complete an academic major and test requirement for the instructional endorsement required for the grade level or subject area the teacher will be assigned to teach.

The department acknowledges that this requirement will have an impact on the pool of available candidates for special education certification. However, the department is confident that the provision of an alternate route for special education will provide an adequate pool of candidates with the required academic preparation and will continue to study and review the evolution of IDEA.

- 53. Comment:** The commenter expressed concern that the Family and Consumer Sciences and the Business Education endorsements are not identified as distinct endorsements in N.J.A.C. 6A:9-9.2. The commenter stated that N.J.A.C. 6A:9-9.2(a)8 and 9 are the appropriate citations under which the business education endorsements should be identified and N.J.A.C. 6A:9-9.2(a)9 under which the family and consumer sciences endorsement should be identified. The commenter requested that the State Board of Education not adopt the proposed new rules without including these specific endorsements. **(38 – 81, 83 – 84, 87 – 92, 95 – 107, 122 – 125, 140 – 141)**

**Response:** The intent of the proposed new rules was neither to eliminate the business education or family and consumer sciences endorsements, nor to de-emphasize the importance of these programs. The department will continue to issue these endorsements under the career clusters. However, as a result of focus group meetings with stakeholders from these disciplines, the department agrees with the commenter that inclusion of these endorsements by name, not just by reference under the 16 career clusters is important. The department will work with the State Board in concert with the adoption of standard eight, technological literacy, and standard nine, career education and consumer, family and life skills of the Core Curriculum Content Standards to include the business education and family and consumer sciences endorsements under the standards. The department staff has scheduled meetings with the stakeholders to update the endorsements in terms of name, authorization and study requirements. When the standards are adopted by the board, the department will propose language to amend these new rules and include the endorsements independent of the career clusters.

- 54. Comment:** The commenter questioned how certified home economics teachers would be affected by the adoption of the proposed new rules. The commenter specifically asked if there was anything in the proposed new rules that will permit her to continue to be employed should she leave the district in which she is currently employed. **(65)**

**Response:** The proposed new rules have the broadest possible grandfather clause to allow all teachers currently certified to continue to teach in those subjects authorized under the current rules. There is no time limit. The teacher can continue to teach in any district without restrictions. N.J.A.C. 6A:9-9.1(a)5 states the following:

Teachers holding endorsements that are no longer issued as of (the effective date of this chapter) may continue to teach in the subject areas in which the teacher was authorized to teach under the former rules.

- 55. Comment:** The commenter is concerned that computer applications can be taught by any certified teacher with the appropriate preparation as determined by the school district administrator and that there is no need for a specific endorsement as stated in the new rules at N.J.A.C. 6A:9-5.20. The commenter stated that all business education teachers should be “grandfathered” to teach computer literacy. **(58)**

**Response:** The department does not agree that a specific endorsement is needed for teachers to be assigned to teach computer applications. There are a broad array of computer applications that cannot be included in the requirements for one endorsement. In addition, the field of computer applications is quickly evolving, and requirements established in 2003 may be obsolete by 2004. Therefore, the proposed new rules allow for flexibility in assigning appropriately prepared teachers.

The department agrees that certified business teachers who have continued the development of their computer knowledge and skills can be assigned to teach computer literacy by the school district administrator.

- 56. Comment:** The commenter wanted to be assured that professional standards for teachers at N.J.A.C. 6A:9-3.3 will not sacrifice the effectiveness of teacher education programs by stifling creativity and flexibility. **(93)**

**Response:** The department assures the commenter that the professional standards for teachers at N.J.A.C. 6A:9-3.3 are guidelines to identify knowledge, skills and dispositions that teachers need to practice responsibly. These standards will provide guidance to institutions of higher education as they align their teacher education programs to the new standards. Institutions of higher education will have the flexibility to adjust their teacher education programs accordingly.

- 57. Comment:** The commenter requested that the proposal language at N.J.A.C. 6A:9-13.3 that identifies the school nurse endorsement be changed to the preproposal language that reads “school nurse/instructional.”

The commenter further requested that the wording at N.J.A.C. 6A:9-13.3(b) be changed to read “for the standard educational services certificate with a school nurse endorsement.” This language would be consistent with the other educational services endorsements.

The commenter also asked that the language at N.J.A.C. 6A:9-13(b)1viii that describes the requirement for study in human and intercultural relations be changed to eliminate the sample courses. These courses are not relevant to all collegiate settings. **(127)**

**Response:** The title of the school nurse endorsement has not been “school nurse/instructional” in any of the preproposal rules. It has been consistently “school nurse.”

The department agrees that the language at N.J.A.C. 6A:9-13.3(b) should be changed to be consistent with the other educational services endorsements. It will be corrected in future amendments to these new rules.

The department disagrees that the sample courses listed at N.J.A.C. 6A:9-13.3(b)1viii should be eliminated. The course names are listed to provide clarification of the types of courses that can be used and do not represent all possible courses.

- 58. Comment:** The commenter expressed concern that requirements for elementary certification with subject matter specialization at N.J.A.C. 9-11.11 would be impossible to complete for colleges who do not offer interdisciplinary majors. **(82)**

**Response:** The department disagrees with the commenter. A single 30-credit coherent sequence in a Core Curriculum Content Standards area would qualify for an elementary certification with subject matter specialization.

- 59. Comment:** The commenters strongly opposed proposed N.J.A.C. 6A:9-11.11 and related N.J.A.C. 6A:9-9.2(b)2 and 3 because they believe the proposed certification requirements will reduce the teacher supply, thereby creating severe teacher shortages and diminishing the quality of the talent pool. The commenters recommend that the K-8 certificate be retained and that content specialization be provided by K-12 specialist certificate holders, as is the current practice. **(85, 86)**

**Response:** While the department understands and appreciates the concerns of the commenters regarding the elementary school with subject matter specialization



endorsement, retaining the current K-8 generalist certificate without specific content preparation for the middle grades will create a shortage of qualified teachers under the No Child Left Behind Act. Expecting the demand for middle grade teachers to be filled by K-12 content specialists is unrealistic. The department believes the supply must be increased by adding additional content-prepared teachers at the middle school level.

- 60. Comment:** The commenters stated that the proposed new rules at N.J.A.C. 6A:9-11.11(a)4 would cut the number of specialist credits in half, requiring a 15-credit coherent sequence in the specialty subject instead of a 30-credit major. They further state that this change is an obvious attempt to curtail the significant economic impact of mandated departmentalization by allowing candidates to qualify as “specialists” in two or more subjects, thus permitting districts to hire fewer teachers to cover the same number of subjects.

The commenters see the proposed changes as having negative consequences on alternate route candidates, most of who will come with standard single-subject majors. They further point out that out-of-state schools will not change their curricula and that graduates of teacher education programs will be unqualified for New Jersey certification. **(85, 86)**

**Response:** The proposed new rules at N.J.A.C. 6A:9-11.11(a)4i include a 30 credit coherent sequence of courses in a single subject field in addition to dual content majors. The department believes that the dual major proposal will afford more flexibility to the local districts in hiring and staffing middle schools with appropriately prepared teachers as districts move to respond to the No Child Left Behind (NCLB) requirement for hiring highly qualified teachers. It also recognizes that the content knowledge required of middle school teachers must have more depth than that of the kindergarten through grade 5 teacher, but is not as comprehensive as that needed for the high school level.

The department does not agree that the proposed changes will have a negative effect for new alternate route teachers. With the single-subject major, the alternate route candidate would be eligible to apply for both the elementary school endorsement and the subject area endorsement. Eligibility would depend on the candidate passing the appropriate teacher tests. In addition, many of the candidates for the alternate route have completed minor areas of study in addition to the academic major that would allow them to apply for a dual content elementary with specialization endorsement.

Further, the department does not agree with the commenter’s concern about teacher candidates who completed teacher preparation in other states. There has been a move across the country to develop middle school programs as a result of the NCLB requirements. The department does not anticipate that out-of-state graduates will be unqualified for New Jersey certification.

61. **Comment:** The commenters stated that the proposed new rules will have a negative effect on the quality of the talent pool by greatly reducing the number of alternate route candidates and will “re-establish a *de facto* monopoly for teacher education programs at New Jersey colleges.” They further state that districts will hire the graduates of these programs because they are certified to teach more subjects and will be less expensive to hire. (85, 86)

**Response:** The department disagrees that the proposed new rules will have a negative impact on the alternate route. Forty percent of new teachers employed in the State are currently prepared through the alternate route, and the remaining new teachers are graduates of teacher preparation programs. The department does not anticipate that the proposed new rules will significantly impact the number of alternate route candidates. It is in the best interests of the State to ensure that all programs, traditional and alternate routes, provide the most appropriate teacher training to meet the needs of the student population to be served.

62. **Comment:** The commenters believed that the code process has not been conducive to open public interaction and debate. The commenter’s noted that the department deviated from its publicly advertised process for gathering input on the proposed rules. The commenters also cite that there is a long-established process that includes a public hearing on any code item approved for publication in the *New Jersey Register*, which process is advertised on the Department’s web site. The commenters also relayed information regarding interactions with Department staff where it was initially indicated that a public hearing tentatively would be held on November 15, 2003 and then later indicated that there would be no public hearing. (85, 86)

**Response:** The Department disagrees with the commenters that the code adoption process has not been conducive to open public interaction and debate. The proposed new rules, N.J.A.C. 6A:9, Professional Licensure and Standards, were presented to the State Board at First Discussion Level at the February 5, 2003 meeting. Since that first presentation, there have been numerous testimony sessions and the Department and the State Board have received more than 450 written comments. All of the written comments and testimony were reviewed and given consideration. Based on those comments and comments from State Board members, the proposed new rules were changed significantly when presented to the State Board at proposal level at the September 3, 2003 meeting. While the October 15, 2003 public testimony session was cancelled as noted below, there was an open topic public testimony session held on September 17, 2003, and the commenters could have presented testimony at that session. Many other commenters presented testimony on the proposal level rules at that testimony session.

While it is a long-standing policy to hold a public testimony session on any code item that has been approved for publication in the *New Jersey Register*, it is also a long-standing policy to cancel those public testimony sessions when the State

Board is meeting at a vocational/technical school as it does on an annual basis. The State Board was scheduled to hold its October 15, 2003 work session at the Burlington County Institute of Technology, and the public testimony session that would have normally been held at that work session was cancelled. The public testimony session for any proposal level code items presented at the September 3, 2003 meeting would have been scheduled for October 15, 2003. Therefore, no public testimony session was scheduled for the proposed new licensure rules. However, the State Board is not required to hold a public testimony session on all proposal level rules. N.J.A.C. 6A:6-3.1(c)1 provides that the State Board may take oral testimony at one or more public testimony sessions scheduled after the proposal level meeting at which the State Board votes to publish a notice of proposal in the *New Jersey Register*.

The public testimony session schedule changed because the adoption schedule for the proposal level rules changed to give the State Board Ad Hoc Licensing Code Committee additional time to work on preparation of the proposal level rules. The Department believes that the process for development of these proposed new rules has been conducive to open public interaction and debate based on the numerous testimony sessions and the extensive comment period that began in February 2003 and ended on November 5, 2003.

Not only has there been ample opportunity for public comment, the department received more comments on this proposed rule than any other in the past two years.

- 63. Comment:** The commenter recommended that the crosswalk referenced in N.J.A.C. 6A:9-11.2(e), Vocational-Technical education certification requirements should be available to the public. The commenter further recommends that a similar document should be developed for instructional certificates that will no longer be issued. Both documents will ensure that teachers and school districts can comply with the requirements of N.J.A.C. 6A:9-5.2 and 5.5. **(94)**

**Response:** The department agrees with the commenter's recommendation. Documents will be developed and be available from the Office of Licensing and Credentials after the adoption of the proposed new rules.

- 64. Comment:** The commenter suggested an amendment to N.J.A.C. 6A:9-11.2(c) to provide an alternative means for experienced military personnel who have not separated or retired from the military to document their years of service in the military. The requirement of military discharge (DP-214-Report of Separation or Retirement), means that military personnel who currently serve in the reserves would not be eligible for this endorsement. **(94)**

**Response:** The department will research this issue. It does appear that experience in the military reserve can be equivalent to that earned in the active

military. However, this would need to be on a pro-rated basis. The department will make further recommendations at the conclusion of this research.

- 65. Comment:** The commenter appreciated the changes in the county substitute credential found in N.J.A.C. 6A:9-6.5 that prevents the misuse of substitutes and requires employment clearances prior to the issuance of the credential. The commenter further recommends that holders of a Certificate of Eligibility with Advanced Standing (CEAS) should be offered support services by the district and be enrolled in the Provisional Teacher Program. (94)

**Response:** The department also believes the changes in the county substitute credential reflect better practice. Additionally, the department agrees that districts should provide support to new substitute teachers; however, unless a district employs a substitute within the area of certification for which that person is eligible, and there is continuity in their placement over a period of time, that substitute teacher may not be enrolled in the Provisional Teacher Program (PTP). The spirit and intent of the PTP precludes a substitute teacher from serving under a provisional certificate while moving from classroom to classroom.

- 66. Comment:** The commenter stated that an objective measure of proficiency should be included in the proposed new rules on computer literacy at N.J.A.C. 6A:9-5.20. The proposed new rules allow a school administrator to determine a teacher's proficiency in current computer programs and their applications. (94)

**Response:** The department disagrees. For the present, the department believes that such determination should be decided locally and in light of the particular needs of the district. The area of computer literacy covers a wide range of sophistication, and until there is greater consensus around the issue of proficiency in this area, a definition by the department would be premature.

- 67. Comment:** The commenter questioned the accuracy of N.J.A.C. 6A:9-8.1(a)3 regarding the academic preparation required for the elementary school endorsement. The commenter questioned if the 60 semester hour credits in liberal arts and/or science should be in addition to the liberal arts, science, dual content or interdisciplinary academic majors, rather than an alternative to the these majors. (94)

**Response:** The proposed new rules at N.J.A.C. 6A:9-8.1(a)3 are correct: "For the elementary school endorsement, complete a liberal arts, science, dual content or interdisciplinary academic major or a minimum of 60 semester hour credits in liberal arts and/or science." The 60 semester hour credits in liberal arts and/or science is an alternative to meeting the academic study required of elementary school teachers.

- 68. Comment:** The commenter stated that the exemptions in N.J.A.C. 6A:9-6.6 violate N.J.S.A. 18A:27-2.2 and 18A:27-2.3b(1) which stipulate that foreign

teachers must meet the eligibility requirements for a provisional instructional certificate or possess equivalent qualifications. The commenter further suggests that oral proficiency alone in one's native language is not sufficient to teach the language without also demonstrating proficiency in language arts and literacy in their native language as well as English. (94)

**Response:** The department disagrees that the proposed new rules at N.J.A.C. 6A:9-6.6 violate statute because international teachers hired to teach world languages meet equivalent qualifications. All college coursework for international teachers is done in the target language and well exceeds the 30 credit minimum. In recognition of more advanced content that may be taught at the secondary level (e.g., literature and Advanced Placement courses), the proposed new rules at N.J.A.C. 6A:9-6.6(d)4 require international teachers who teach advanced level courses to complete the State content test requirement.

The department agrees that teachers hired under the limited certificate should demonstrate the ability to speak, read and write the English language. This requirement is included in N.J.A.C. 6A:9-6.6 (d) 8.

69. **Comment:** The commenter supports subchapter 13, Requirements for Educational Services Certification, which establishes a mentoring program for all novice educational services practitioners and provides additional support services for individuals hired under emergency certificates. (94)

**Response:** The department agrees in principle with the commenter—professional support for novice practitioners is essential for success, whether they are teachers, educational service providers or emergency-certified teachers. This may be an issue that should be researched, reviewed and evaluated for future changes in regulation. In the interim, districts should provide whatever support is necessary for the good of their students.

70. **Comment:** The commenter expressed concern that the Teacher Education Accreditation Council (TEAC) at N.J.A.C. 6A:9-10.1(b)7 may not provide evaluation and approval of teacher preparation programs as effectively as National Council for the Accreditation of Teacher Education (NCATE). (94)

**Response:** The department assures the commenter that both NCATE and TEAC are nationally recognized accrediting agencies. The U.S. Department of Education designated TEAC as a federally recognized accrediting agency. When an accrediting agency is “recognized”, the quality of its standards and processes are assured to the public. With both NCATE and TEAC being equally recognized, the department prefers that the college choose a national accredited organization that aligns well with the college's teacher preparation programs.

71. **Comment:** The commenter stated it is unnecessary for rules to address the workload of collegiate supervisors of student teachers as proposed at N.J.A.C. 6A:9-10.3(b). (94)

**Response:** While the department agrees that rules should not regulate the workload of collegiate supervisors, the department believes that rules should provide for adequate observation of student teachers. The department will continue to review and make recommendations to the State Board to clarify this provision.

72. **Comment:** The commenter noted that N.J.A.C. 6A:9-17.5 incorrectly references N.J.A.C. 6A:9-4.1(a) as possible grounds for revoking or suspending a certificate. (94)

**Response:** The department acknowledges that the reference is incorrect; it should be N.J.A.C. 6A:9-5.1(b). The department will make this technical correction. The correct language for N.J.A.C. 6A:9-17.5 will be the following:

The Board of Examiners may revoke or suspend the certificate(s) of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. Other just cause shall include, but not be limited to, offenses within the terms of the forfeiture statute, N.J.S.A. 2C:51-2, or the disqualification statute, N.J.S.A. 18A:6-7.1. The Board of Examiners may revoke or suspend a certificate upon evidence that the holder did not meet the qualifications for the certificate at the time of issuance or no longer satisfies the criteria set forth in N.J.A.C. \*[6A:9-4.1(a)]\* \*6A:9-5.1(b)\*. The Board of Examiners shall not revoke or suspend a certificate without providing the holder an opportunity to be heard pursuant to N.J.A.C. 6A:9-17.6.

73. **Comment:** The commenter stated that the only grounds for rejecting an applicant's application for certification are the statutory ones found in N.J.S.A. 2A:168A-1 et seq. and N.J.S.A. 18A:6-7.1 et seq. (94)

**Response:** The department disagrees. Pursuant to N.J.S.A. 18A:4-15, the State Board has general rule-making authority to promulgate rules that implement the school laws of this State. The State Board has the authority to grant discretion to the State Board of Examiners to reject an applicant for grounds other than those identified in the two statutes.

74. **Comment:** The commenter stated that N.J.A.C. 6A:9-17.4 would expand districts' reporting responsibilities and would increase the number of cases initiated against certificate holders. (94)

**Response:** The department agrees that the proposed new rules would increase the number of cases arising from information provided by districts, but the department believes that this rule is beneficial. Under the current rules, districts are obligated to report the conduct of only tenured teaching staff members. As nontenured teachers may also be accused of conduct that would warrant revocation or suspension, the proposed new rules require districts to notify the State Board of Examiners of all teaching staff members who are accused of criminal offenses or unbecoming conduct.

75. **Comment:** The commenter stated that N.J.A.C. 6A:9-17.6 expands upon the current practice of having the Commissioner transmit successful tenure cases and settled tenure charges to the State Board of Examiners. The commenter also stated that the proposed rule also expands the State Board of Examiners' ability to hear cases. (94)

**Response:** The department does not believe that the proposed language expands current practice as the commenter noted. As tenure charges are often settled with a resignation or retirement, the proposed new rules merely codify current procedures. Upon receipt of the transmitted case, the State Board of Examiners makes an independent review of the matter to determine whether action against the certificate holder is warranted.

76. **Comment:** The commenter stated that a Division of Youth and Family Services (DYFS) report at N.J.A.C. 6A:9-17.6(a)5 that finds concerns with a teacher's actions, but does not substantiate abuse or neglect, should not be the basis for a revocation or suspension proceeding. (94)

**Response:** The department disagrees. Although allegations against a teaching staff member may not rise to the level of abuse or neglect as those terms are used by DYFS, the alleged conduct may still be highly improper on the part of the teacher. Accordingly, the State Board of Examiners should be permitted to make an independent judgment whether the allegations are sufficient to initiate charges against the certificate holder.

77. **Comment:** The commenter stated that N.J.A.C. 6A:9-17.7 should make clear that the burden of proof in cases to revoke or suspend a certificate is upon the State Board of Examiners. (94)

**Response:** The department agrees and believes that N.J.A.C. 6A:9-17.7 is clear. Since the State Board of Examiners issues the Order to Show Cause that initiates revocation or suspension proceedings and is the petitioner in these legal matters, the burden of proving the charges set forth in the Order to Show Cause resides with the State Board of Examiners.

78. **Comment:** The commenter stated that the provision in N.J.A.C. 6A:9-17.7(e) that requires the respondent to submit 21 copies of the response to the hearing

notice and in N.J.A.C. 6A:9-17.19 that requires the respondent to submit 21 copies of motion papers is burdensome. (94)

**Response:** The department agrees that while the requirement may be burdensome, the proposed new rule is necessary to ensure that all State Board of Examiners members and staff receive a copy of respondents' submissions. The proposed rule is also in accord with the accepted legal practice that requires each party to litigation to pay for his or her costs.

79. **Comment:** The commenter stated that N.J.A.C. 6A:9-17-8, which requires notification of the revocation or suspension to any other agency as may be required, is overbroad. (94)

**Response:** The department disagrees. The proposed new rule permits the State Board of Examiners to share this information, which is a public record, with others as the need arises.

80. **Comment:** The commenter stated that N.J.A.C. 6A:9-17.8(c) should be changed because it requires a certificate holder to meet all conditions that the State Board of Examiners establishes before a suspension may be lifted. The commenter believes that reinstatement of the certificate should be automatic after the suspension has ended. (94)

**Response:** The department disagrees. The State Board of Examiners often resolves litigation matters with a settlement in which the certificate holder agrees to a suspension of his or her certificate(s) and to certain other conditions, such as additional training for the teacher in certain cases. If the State Board of Examiners is unable to establish conditions that the certificate holder must meet before reinstatement of the certificate(s), the State Board of Examiners is less likely to settle cases.

81. **Comment:** The commenter finds objectionable N.J.A.C. 6A:9-17.9(a), which addresses when a teacher, without the consent of the employing district, "ceases to perform his or her duties prior to the expiration of the employment." The commenter finds the language vague and contends that it could be improperly applied to other circumstances. (94)

**Response:** The department disagrees. The proposed new rule tracks the language of N.J.S.A. 18A:26-10, which authorizes the suspension of certificates should the certificate holder, without consent of the board, "cease to perform his duties before the expiration of the term of his employment."

82. **Comment:** The commenter disagrees with the four-year bar at N.J.A.C. 6A:9-17.10(b)2 before an individual who has had a certificate revoked may reapply for certification. (94)



**Response:** The department disagrees and believes that four years is the minimum time necessary for an individual who has had a certificate revoked to establish rehabilitation from the conduct that caused the revocation.

83. **Comment:** The commenter disagrees with the provisions of N.J.A.C. 6A:9-17.10(c)1, which precludes individuals who have forfeited their certificates in a tenure proceeding from applying for certification after revocation. (94)

**Response:** The department disagrees with the commenter. If an individual agrees to forfeit his or her certification as a condition for settling a tenure proceeding, the teacher must understand that the forfeiture is permanent. To permit the teacher to reapply for certification in those circumstances would circumvent the basis of the settlement.

84. **Comment:** The commenter stated that the adoption of N.J.A.C. 6A:9-17.11(a)3, which authorizes the relinquishment of a certificate with the force and effect of a revocation, will cause boards of education to insist on this provision for settlement of tenure cases. (94)

**Response:** The department disagrees and does not believe that the commenter's observation will follow necessarily from every tenure proceeding. If a board of education, which initiated tenure charges against a teacher, believes that the charges against this person are so egregious that he or she should no longer be in the teaching profession, then the district may demand that the teacher forfeit the certificate as part of the agreement to settle the tenure charges. Conversely, if a board of education levels tenure charges against a teaching staff member for something less heinous, i.e., excessive absenteeism, then the district may be interested only in removing that individual from its employ.

85. **Comment:** The commenter expressed concern that the 200 hours of formal instruction required of alternate route teachers pursuant to N.J.A.C. 6A:9-8.3(b)4 must be completed while employed under a provisional certificate, thereby prohibiting prospective teachers from completing any part of the formal training prior to employment. (94)

**Response:** The 200 hours of formal instruction are completed concurrently with the other aspects of a district mentor plan; that is, the 20 days pre-service component and the on-going mentoring of the novice alternate route teacher. The proposed rules provide for a pre-service experience before taking full responsibility of the classroom. As a result, alternate route teachers will be able to continue to meet a portion of the 200 hour requirement through a number of alternatives prior to employment.

86. **Comment:** The commenter stated that alternate route teachers should be permitted to complete the formal instruction required in N.J.A.C. 6A:9-8.3(b)4 in

alternative ways, including completing all professional preparation classes except student teaching as an option. (94)

**Response:** The department believes that the proposed new rules will provide alternative ways to complete the formal instruction component for alternate route teachers. The formal instruction component for alternate route teachers takes into consideration that such candidates with the necessary subject matter expertise can pursue teacher certification through the guidance of school-based professionals while concurrently receiving instruction in the essential pedagogy necessary to be a successful teacher. Over the last 18 years of the alternate route program, there have been various means by which to fulfill the formal instruction; that is, through district training consortia, MAT programs, college and university providers and, more recently, department initiatives. The proposed rules will continue to provide such alternative ways to complete the formal instruction component.

87. **Comment:** The commenter expressed concern that the shift from a two-year mentoring program to a one-year mentoring program at N.J.A.C. 6A:9-8.4(a) is a shortsighted reaction to the State budget crisis. The commenter believes that the two-year program provides a firm foundation for excellent teaching. (94)

**Response:** The department appreciates the concerns expressed by the commenter on the proposed rules at N.J.A.C. 6A:9-8.4(a). The shift from a two-year to one-year mentoring program is not a reaction to the State's financial condition. Rather, it will ensure that all districts implement a rigorous one-year mentoring program leading to certification which will provide a firm foundation for provisional teachers. Districts are encouraged to develop a multi-year mentoring approach. In addition, the Professional Development for Teachers required in N.J.A.C. 6A:9-15 further supports the foundation for excellent teaching through a continuum of professional development throughout the career of the teacher.

88. **Comment:** The commenter expressed disappointment that the preproposal rules which allowed only active teachers to be used in the role of mentors is to be replaced with language that allows retired teachers or administrators to be used. Further, it is of concern that should a district use retired educators, there is no provision that they be from the district in which they will serve. The commenter also noted that those active teachers within a district can give a more focused mentoring experience based on the district philosophy of classroom practice and student achievement. (94)

**Response:** The proposed rule at N.J.A.C. 6A: 9-8.4(d) gives the local district the ability to obtain as mentors those who are active teachers or administrators, or retired teachers or retired administrators, who meet the criteria for mentors, make the appropriate application for the position and have engaged in rigorous mentor training. Mentors may not always be available from within the district. The proposed rule, therefore, provides flexibility for districts to draw from a wider pool of available mentors.

- 89. Comment:** The commenter expressed concern that the language within N.J.A.C. 6A:9-8.4(a) that discusses the payment of fees to the mentor needs to be clarified. The commenter stated the proposed new rules could be misinterpreted to mean that should State funds not be available, those districts who have negotiated stipend payment as a recruitment tool could no longer use that means of payment. **(94)**

**Response:** The department disagrees. The proposed new rules simply state that, absent available State funds, the candidate is the responsible party. It does not address issues of source of funding or district negotiations.

- 90. Comment:** The commenter expressed concern that the deletion of references in the proposed new rules at N.J.A.C. 6A:9-8.4(c) and (e) to the collective bargaining process will be misleading to districts and cause confusion and possible conflict. **(94)**

**Response:** The department believes the deletion of references to collective bargaining in the proposed new rules at N.J.A.C. 6A:9-8.4(c) and (e) to be appropriate and not confusing. Since the local collective bargaining process is not within the scope of the department's responsibility, the deletion of any reference to collective bargaining in the proposed rules is appropriate.

- 91. Comment:** The commenter expressed concern that language regarding mentor training for retired mentors and active teaching mentors is not parallel and does not clearly specify that any mentor must be fully trained in current mentoring practices and skills. The commenter has requested that the department clarify the language at N.J.A.C. 6A:9-8.4(d). **(94)**

**Response:** The department understands that the language in N.J.A.C. 6A:9-8.4(d) could be more specific and will seek to provide the clarifications in future revisions. The intent of the department is to provide all mentors with a rigorous training program.

- 92. Comment:** The commenter expressed concern that the procedure outlined for the responsibility of developing the mentor plan at N.J.A.C. 6A:9-8.4(d)3 has been stated incorrectly. The commenter believes that the Local Professional Development Committee, not the district board of education, should align the mentor plan with the Professional Standards for Teachers. **(94)**

**Response:** The department believes that the language appropriately places the formal alignment of the plan with the Professional Standards for Teachers on the district board of education in N.J.A.C. 6A:9-8.4(d)3. The department has determined that the Local Professional Development Committee will align the mentoring plan with the Professional Standards for Teachers and that it is the district board of education that ensures the alignment by September 1, 2004.

- 93. Comment:** The commenter stated that the mentor selection process outlined in N.J.A.C.6A:9-8.4(a) should not be limited to the principal only. The commenter has stated that the mentor selection be determined locally based on the procedures and practices established by that district and through the provisions in the mentoring plan. **(94)**

**Response:** The department disagrees. The department believes that it is the principal who must make the final selection of the mentors based on the research-based criteria and the application process developed by the Local Professional Development Committee in the mentoring plan.

- 94. Comment:** The commenter stated that there is a need for a regulatory framework that would provide consistency throughout the State in all mentoring programs and training. The commenter believes that the language in the proposed new rules at N.J.A.C. 6A:9-8.4 may be too vague to provide the needed consistency to support new teachers. **(121)**

**Response:** The department believes that N.J.A.C. 6A:9-8.4 is clear and provides consistency throughout the State for mentoring programs and training. It is the responsibility of the Local Professional Development Committee and the district board of education to ensure that the local mentoring plan is rigorous, sustained and meets the particular needs of each district. However, it is the responsibility of the department to provide technical assistance and training to those parties to guarantee effective programs throughout the State.

- 95. Comment:** The commenter stated that the limit of 200 hours or 13 semester-hour credits of formal instruction for preparing Preschool through Grade 3 teachers is not sufficient to address adequately all of the areas of pedagogy listed in the required pedagogy. **(121)**

**Response:** The department disagrees with the commenter about the 200 hours or 13 credit limitations for the Preschool through Grade 3 (P-3) professional preparation component. There are colleges currently offering the formal instruction for the Preschool through Grade 3 endorsement within the 200 hours or 13 credit minimum. These programs have been reviewed by designated department staff and have been found to cover fully the P-3 areas of pedagogy. In addition, there are approved college programs that require more than 13 credits to prepare P3 candidates. It is important to note that the proposed new rules at N.J.A.C. 6A:9-10.2(b)1 and N.J.A.C. 6A:9-11.1(e) state that candidates must complete “a minimum” of 200 hours or 13 semester-hour credits of formal instruction. It does not put a cap on the number of credits. When the department reviews the collegiate programs, approval is based on the program’s ability to incorporate the essential elements of the P-3 topics, not the number of hours or credits required.

- 96. Comment:** The commenter stated that, for at least two decades, teachers who hold the industrial arts endorsement have been permitted to teach “technology education” under the industrial arts certificate. The introduction of the new technology education endorsement at N.J.A.C. 6A:9-11.13 implies that current industrial arts teachers may not continue to teach “technology education” under the existing certificate and would need to obtain the new certificate.

The commenter recommended that a teacher who had been assigned to teach “technology education” for one or more years be grandfathered into the new endorsement without taking courses or tests. **(94)**

**Response:** The department disagrees with the commenter. The current rules at N.J.A.C. 6:11-6.2(a)13 state that the holder of the industrial arts endorsement is authorized “to teach industrial arts in all public schools. Industrial arts normally includes: graphic arts, drafting, woodworking, metal working, arts and power mechanics.” There is no mention of “technology education.”

N.J.A.C. 6A:9-9.1(a)5 authorizes teachers holding endorsements that are no longer issued to continue to teach in the subject areas in which the teacher was authorized to teach under the former rules. However, it would not apply to industrial arts teachers teaching technology education as this was not within the subjects the endorsement authorized the holder to teach.

The department further disagrees that one year of teaching “technology education” under an industrial arts endorsement is sufficient evidence of the teacher’s skills in this area. The department agrees with those commenters who have recommended three or more years teaching “technology education” and completion of the test requirement as appropriate evidence of the teacher’s knowledge and skills.

- 97. Comment:** The commenter asked for clarification of N.J.A.C. 6A:9-2.1 that defines “career clusters” and “vocational-technical education” as applying only to vocational-technical programs that require a sequence of courses. N.J.A.C. 6A:9-9.2(c) further states that the endorsements under the career clusters apply only to approved vocational-technical education programs. The commenter wanted to know if the proposed new rules exclude vocational programs offered in comprehensive high schools and to single courses in areas that are now listed under the clusters. For example, can a comprehensive high school offer a single course in agriculture without being required to offer an approved vocational-technical program?

The commenter questioned who would be authorized to teach the single courses in the comprehensive high schools. **(94)**

**Response:** The definitions of “career clusters” and “vocational-technical education” in the proposed new rules at N.J.A.C. 6A:9-2.1 provide clear and

concise information to be used for the understanding of these phrases when used throughout N.J.A.C. 6A:9.

The proposed rules at N.J.A.C. 6A:9-9.2 do not preclude approved vocational-technical programs in comprehensive high schools. Currently, comprehensive high schools offer approved vocational-technical programs and can continue to do so after the adoption of these proposed new rules. There is nothing in the proposed new rules that precludes them.

The language at N.J.A.C. 6A:9-9.2(c) states that the endorsements under the clusters authorize the holder to teach in approved vocational-technical programs “and related courses.” The single courses questioned would fall under the “related courses” language. Comprehensive high schools and all schools would be permitted to offer single courses that have content which falls under the career clusters.

Further, the department will be working with the State Board of Education as it adopts standard nine, “Career education and consumer, family and life skills,” to include specifically the family and consumer sciences and the business education endorsements in the proposed new rules under N.J.A.C. 6A:9-9.2(a)9. Many of the single courses referenced in the commenter’s concerns logically would fall under this standard.

- 98. Comment:** The commenter indicated that the language at N.J.A.C. 6A:9-11.10(b) is confusing and should be changed. The commenter suggested the following language:

(b) Elementary school teachers who possess the requirements in section (a) above may be assigned to teach world languages in elementary grades.

The commenter also recommended that holders of the bilingual/bicultural endorsement should be authorized to teach the world language for which they have demonstrated fluency. **(94)**

**Response:** The department does not agree that N.J.A.C. 6A:9-11.10(b) is confusing or needs to be changed because it provides the rules necessary for an elementary school teacher to be assigned to teach a world language. The language in N.J.A.C. 6A:9-11.10(b) is clear as it written and ensures that all elementary teachers assigned to teach world languages comply with the requirements in N.J.A.C. 6A:9-11.10(a). As currently written, this requirement also applies to elementary school teachers who currently teach a world language. The commenter’s suggested language would only apply to elementary school teachers newly assigned to teach a world language. The Department believes that these requirements should apply to all elementary teachers who teach a world language

The department also does not agree with the commenter's recommendation that the bilingual/bicultural teacher be permitted to teach the world language for which he/she has demonstrated language proficiency. The purpose of bilingual education is to allow the use of two languages as tools in classroom instruction. The goal is to allow students whose first language is not English to become fluent in English while ensuring that these students have the opportunity to learn the academic content through native language support. The goal is not to teach a world language. N.J.A.C. 6A:9-11.4(a) requires that the bilingual teacher be eligible to teach the subject or grade level that is being taught bilingually. Therefore, the proposed new rules preclude the possibility of bilingual teachers teaching a world language.

- 99. Agency Initiated Change:** The department proposes to correct an incorrect cross reference in the proposed rule at N.J.A.C. 6A:9-12.1(b). The corrected language follows:

- (b) Colleges and universities shall provide the Office with a list of those students that have matriculated in New Jersey administrative preparation programs approved by the Department prior to (the effective date of this chapter). This includes those students that matriculated in the approved programs in fall 2004 and spring 2005. The list of students shall be submitted to the Office no later than March 31, 2005. Those candidates must complete all requirements specified under former N.J.A.C. \*[6:11-12]\* \*6:11-9\* by September 1, 2007. Candidates that do not complete all of the requirements specified under former N.J.A.C. \*[6:11-12]\* \*6:11-9\* by September 1, 2007 shall fulfill the requirements in this subchapter.